

JUDGE HELLERSTEIN

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13 CV 4867

Attorneys for Plaintiff Jackie Tidwell

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACKIE TIDWELL

Plaintiff,

vs.

ZHEJIANG JIANDI TRADING & INDUSTRIAL
CO., LTD.

Defendants.

**DECLARATION IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT IN LIEU OF
COMPLAINT**

Index No.:

I, David Graff, declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a shareholder with Anderson Kill & Olick, P.C., and counsel for Plaintiff Jackie Tidwell. I have personal knowledge of the facts herein and make this affirmation in support of Plaintiff's Motion for Summary Judgment in Lieu of Complaint.

2. On or about August 27, 2007, Plaintiff filed an amended complaint with the Circuit Court for Maury County, Tennessee ("Tennessee Circuit Court") for injuries sustained from Defendant's product alleging breach of implied warranty of habitability, strict liability, negligence and failure to warn. See Exhibit 1 (Amended Complaint).

3. The summons and amended complaint were transcribed in both English and Chinese and sent for service upon Defendant upon the appropriate Chinese authority. See Exhibit 2 (Notice of Filing Proof of Service and underlying Chinese documents).

4. Plaintiff thereafter moved for judgment by default as Defendant refused to accept the documents and failed to answer or otherwise plead as required by law. See Exhibit 3 (Motion for Judgment by Default).

5. Defendant was duly served with a copy of the Motion for Judgment by Default. See Exhibit 3

6. The Tennessee Circuit Court thus entered an order granting judgment against Defendant ("Order Granting Judgment by Default") on May 27, 2009. See Exhibit 4 (Order Granting Judgment by Default).

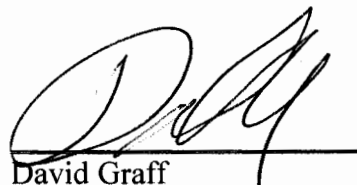
7. Defendant was duly served with the Order Granting Judgment by Default. See Exhibit 4.

8. Then, on June 30, 2009, the Tennessee Circuit Court granted judgment in favor of Plaintiff in the amount of \$750,000.00 ("Order Granting Judgment"). See Exhibit 5 (Order Granting Judgment).

9. The Order Granting Judgment was duly served upon Defendant. See Exhibit 5.

10. To date, Defendant has utterly failed to respond to or acknowledge either of the Tennessee Circuit Court's orders and has failed to pay the Plaintiff the \$750,000.00 that is due and owed.

Executed: July 12, 2013
New York, New York


David Graff